

Appeal Decision

Site visit made on 25 January 2017

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th February 2017

Appeal Ref: APP/P0240/W/16/3160704

Duck End Farm, 43 Flitwick Road, Maulden MK45 2BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Gill, Wrest Developments Ltd against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/02501/FULL, dated 10 June 2016, was refused by notice dated 14 September 2016.
 - The development proposed is the demolition of existing agricultural buildings and erection of a one and a half storey and two storey development of 8 number 1 bedroom flats. External works of hard landscaping, access drive, soft landscaping, fences and walls. Widening of existing crossover for parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing agricultural buildings and erection of a one and a half storey and two storey development of 8 number 1 bedroom flats. External works of hard landscaping, access drive, soft landscaping, fences and walls. Widening of existing crossover for parking at Duck End Farm, 43 Flitwick Road, Maulden MK45 2BJ in accordance with the terms of the application, Ref CB/16/02501/FUL, dated 10 June 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Darren Gill, Wrest Developments Ltd against Central Bedfordshire Council. This application is the subject of a separate Decision.

Preliminary Matter

3. I understand that since the determination of this application, planning permission has been granted for six dwellings on the site (reference CB/16/04950/FUL). I observed demolition of the existing buildings was underway at the time of my visit.
 4. The proposal was revised during the course of the Council's consideration of the application. I am satisfied the Council considered the application on the basis of the plans submitted with the appeal and I have considered the appeal accordingly.
 5. The appellant's appeal statement suggested that prior to the application being considered by the planning committee, Maulden Parish Council had removed
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their objection. I received correspondence indicating this was not the case and that the email referred to by the appellant was not official correspondence from the Parish Council. I asked the main parties if they had any further comments on this but none were forthcoming. As a result, I have taken the formal position of the Parish Council to be one of objection to the development.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area.

Reasons

7. The appeal site is located within the settlement of Maulden. The Council has confirmed that the principle of residential development in this location is acceptable and their only significant concern is the effect of the development on the character and appearance of the area.
8. At the time of my visit, I observed that around two thirds of the original farm buildings had been removed. These originally formed a 'U' shape, with two buildings built parallel to the road, one toward the front, but set back from the roadside, and another at the rear of the site. A third block joined these two arms together and ran along the right boundary of the site when viewed from the roadside. Only the building at the rear of the site was still in place.
9. The development would consist of two separate blocks. The one to the front of the site would sit roughly on the footprint of the original building. It would extend across most of the width of the site, apart from the vehicular access, which would be between the building and No 41 (Duck End Farmhouse). To the rear would be a 'T' shaped building, which would run across the full width of the site with a central projection. This would be integrated with the existing end wall of the barn that would be retained. The remaining space would be taken up by the access, parking area, shared amenity space and landscaping.
10. The development would consist of 1.5 and 2 storey buildings, with accommodation in some of the roof spaces. The tallest features would be two square 'tower' features at the right end of the two main blocks. The dwellings in the vicinity of the site are all generally two storeys in height. The appellant has provided plans which illustrate that, while the development would be taller than the former farm buildings, they would be no taller than existing dwellings in the vicinity of the site. Interested parties have pointed out that the dwellings on the opposite side of the road are at a slightly higher level than the appeal site and thus the actual ground to ridge heights of the buildings may be similar or taller than other dwellings. However, this is not a significant factor in and of itself. The important issue is whether the resulting height of the development would be overly dominant, overly intensive or incongruous.
11. In my view, the height of the development would not be excessive in the context of nearby dwellings. An increase in the height of the proposed buildings compared to those being replaced does not in itself constitute harm and, in any event, I do not consider the change would be disproportionate. The front block would also correspond to the prevailing building line and would not come any closer to the roadside than the former building. As such, it would not appear as an intrusive feature in the street scene. While the development would add some variety to the nature of dwellings on the street, I

do not consider this would be harmful to the established character of the area. There is no particular uniformity in the nature of the dwellings in the vicinity of the site and, while the buildings would not be identical to those replaced, the general form of building blocks, rather than detached, semi-detached or terraced dwellings, would be retained. Moreover, I note the design of the block facing the road is largely identical to that which was recently granted permission. This is a significant material consideration in terms of the acceptability of this element of the development and its impact on the character of the area.

12. The appellant has indicated there would only be an increase of around 2% in the footprint of the development over and above the former built form. The Council have not challenged this assertion. This is not a significant increase. While I have had regard to the rearrangement of development on the site, and the increase in height and mass of the buildings, I do not consider the resulting built form as an over intensive use of the site or as a cramped form of development. The areas of hard standing and shared amenity space would break up the mass of the buildings and provide space between the buildings.
13. The central projection of the rear building appears to be the cause of most concern for both the Council and interested parties. In terms of the overall site coverage, this feature would only replace the building that previously sat along the boundary of the site. The former layout of the site created a courtyard in the centre, which would not be replicated by the development. However, once again, the change to the previous built form would not be harmful to the character of the area. In addition to the open areas created within the site, there would be a reasonable gap between the development and the detached dwelling to the right of the site. From the roadside, the vehicular access would provide some separation between the development and Duck End Farmhouse. In my view, the design and layout of the buildings would ensure the development would not appear unacceptably squeezed into its plot.
14. The Council have alluded to the amount of the site given over to parking contributing to the cramped form of development. The plans indicate four off-street spaces between the pavement and front block. The remaining spaces would be to the rear of the site, mainly within car ports. The parking of cars to the front of the site would not be harmful. Cars parked in front of dwellings is not unusual in this area and the space between the roadside and building is sufficiently wide to ensure parked cars would not be especially prominent or intrusive. Moreover, the majority of parking and manoeuvring space is located behind the front building and would not be visible from the roadside. The parking of cars within car ports would not add to the coverage of the built development on the site and would be an efficient means of using the space available. I do not accept the Council's view, therefore, that the space given to parking would lead to an over intensive form of development.
15. Overall, while the development would be a taller and visually more intensive form of development than that it would replace, it would not appear cramped, over intensive, dominant or incongruous in its own right. The development would make efficient use of the space provided and would be of a good quality of design. As such, there would be no material harm to the character and appearance of the area. Accordingly, there would be no conflict with saved policy DM3 of the Core Strategy and Development Management Policies for

Central Bedfordshire (North) (2009), which seeks, amongst other things, development to be appropriate in scale and design to their setting.

Other Matters

16. The nature and location of windows facing neighbouring properties are unlikely to lead to any significant loss of privacy for neighbouring occupants. Given the number of dwellings, the width of the access and the siting of parking spaces, the development is unlikely to result in unacceptable levels of traffic noise. I have also seen nothing to suggest there would be any material harm resulting from overshadowing.
17. Concerns have been raised about the presence of barn owls in the existing barns and the adequacy of the mitigation proposed. The Council raised no concerns regarding this issue and were satisfied with the mitigation measures proposed. I have seen nothing substantive that would lead me to come to a different conclusion. Moreover, in terms of the retention of the barns, I must have regard to the planning permission that was recently granted and the demolition work already taking place at the time of my visit. I consider the mitigation proposed to be appropriate and this can be required by condition.
18. Concerns have been raised regarding the parking provision within the site, the adequacy of the access and the effect of the development on highway safety. One space per flat and two visitor spaces would meet the Council's minimum requirements for parking. The flats are all one bedroom and thus one space per dwelling does not appear unreasonable. Moreover, I saw nothing to suggest that if on-street parking outside the site were to take place that it would create a risk to highway safety or the efficient operation of the transport network.
19. There is nothing to suggest that a satisfactory access to the site could not be created and the development would not generate a significant number of trips. Furthermore, the site lies within a 30 mph zone and there is good visibility in either direction. Therefore, the development would not create an unacceptable risk to highway safety.
20. The owners of Duck End Farmhouse have raised land ownership issues, with particular regard to the end wall of a barn that would be retained. This includes reference to the serving of the appropriate ownership certificates. Both the planning application and appeal have been accepted as valid and any matters relating to ownership are a private matter between the relevant parties and not within my jurisdiction.
21. There is no substantive evidence the development would lead to an increase in neighbour disputes or crime. Concerns raised relating to the bin storage can be addressed by planning condition.

Conditions

22. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed conditions specifying the relevant drawings as this provides certainty.

23. I have imposed a condition requiring the details of the materials, boundary treatments and landscaping to be agreed in the interests of the character and appearance of the area. I have replaced the Council's suggested condition on landscaping with ones based on Planning Inspectorate's model conditions as these contain a more precise form of words. I have also made minor amendments to the suggested conditions on materials and boundary treatments in the interests of clarity and effectiveness.
24. For the same reasons I have imposed a condition requiring the slab heights of the development to be approved prior to construction taking place. This is the only stage at which this can be reasonably addressed.
25. I have imposed a condition requiring the provision of bird and bat boxes within the development in the interests of biodiversity. A condition is also necessary to agree details of the provision of appropriate waste receptacles, in the interests of the living conditions of existing and future residents.
26. In the interests of highway safety and the living conditions of neighbouring and future occupants, I have imposed conditions relating to the details and implementation of the vehicular access and parking areas. I have made an amendment to the suggested condition on the agreement of the access details, as I consider it is only necessary to ensure this is addressed prior to occupation of the dwellings. I have also made minor amendments to the suggested wording to assist with the effectiveness of the condition.

Conclusion

27. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016-864-10B, 2016-864-11B, 2016-864-12B, 2016-864-13B, 2016-864-14A other than as required by conditions 3, 4, 5, 6, 10 and 11.
- 3) No development shall take place until details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed with the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No work shall commence on the external surfaces of the dwellings hereby approved, until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The dwellings hereby approved shall not be occupied until boundary treatments have been provided in accordance with details previously submitted to and approved in writing by the local planning authority. The details shall indicate the position, design, materials and type of boundary treatment to be erected. The boundary treatments shall thereafter be retained in the approved form.
- 6) Before the development is first occupied there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 7) Before the development is first occupied a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Maintenance shall be carried out in accordance with the approved schedule.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) No work shall commence on the external surfaces of the dwellings hereby approved, until a scheme showing the location of 4 integrated bat boxes and 4 integrated bird boxes across the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 10) Before the development is first occupied, a scheme for the provision of waste receptacles for each dwelling shall be submitted to and approved in writing by the local planning authority. The receptacles shall be provided before occupation takes place.
- 11) The dwellings hereby approved shall not be occupied until the vehicular access with the highway has been constructed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The vehicular access shall be thereafter retained in the approved form.
- 12) The dwellings hereby approved shall not be occupied until the access and parking areas shown on drawing number 2016/864/10B have been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those areas shall not thereafter be used for any other purpose.